

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST
LITIGATION.

Case No. [14-cv-03264-JD](#)

**ORDER GRANTING FPCAP'S
MOTION TO DISMISS**

Re: Dkt. No. 613

Defendant FPCAP Electronics (Suzhou) Co., Ltd. ("FPCAP") seeks dismissal from the direct purchaser plaintiffs' consolidated class action complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Dkt. No. 613. FPCAP moves separately from the other defendants whose motions the Court largely denied, Dkt. No. 710, because its response to the complaint was due later than the other defendants. Dkt. No. 613 at 4.

Direct purchaser plaintiffs point to only paragraphs 59 and 60 of their consolidated complaint as relating to FPCAP. Dkt. No. 520-2 at 1. These paragraphs, and the consolidated complaint overall, do not sufficiently allege that FPCAP "joined the conspiracy and played some role in it." *In re TFT-LCD (Flat Panel) Antitrust Litigation*, 586 F. Supp. 2d 1109, 1117 (N.D. Cal. 2008). The allegations of successor liability are also too conclusory to carry the day. *See generally* Dkt. No. 710 at 13-14.

Defendant FPCAP is consequently dismissed with leave to amend. The parties are to follow the schedule already put in place by the Court for any further amendment and response. Dkt. No. 735.

IT IS SO ORDERED.

Dated: June 11, 2015


JAMES DONATO
United States District Judge